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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,677	06/24/2003	Masahiko Kawahara	10877.0054US01	8278
23552	7590	01/13/2006	EXAMINER	
MERCHANT & GOULD PC			BRITTAIN, JAMES R	
P.O. BOX 2903			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402-0903			3677	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,677

Applicant(s)

KAWAHARA, MASAHIKO

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12122005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

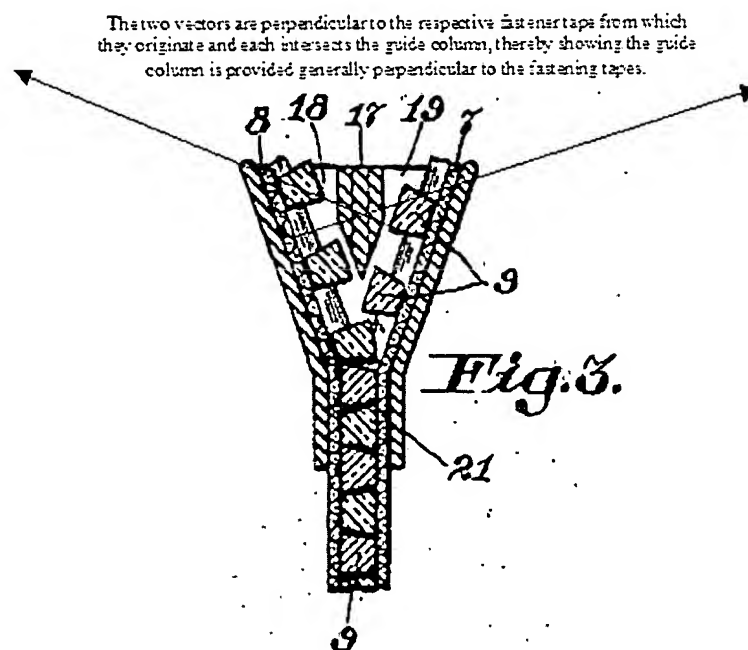
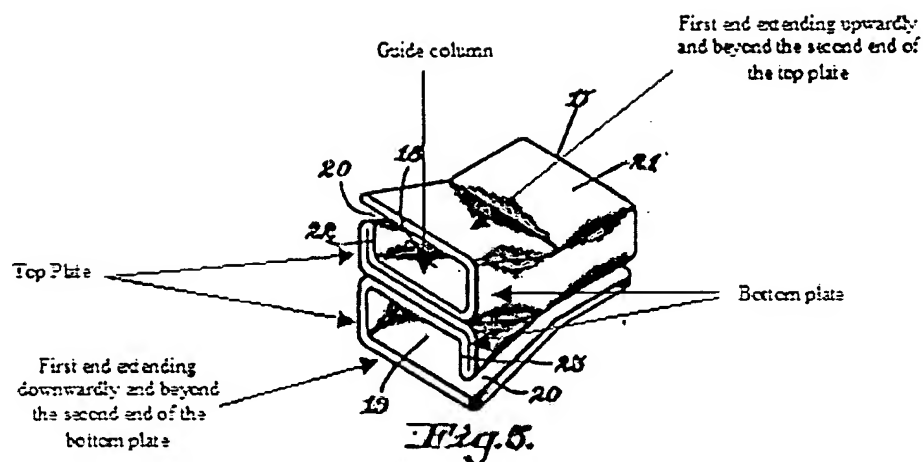
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundback (US 2077350) in view of Marinsky (US 2325332).

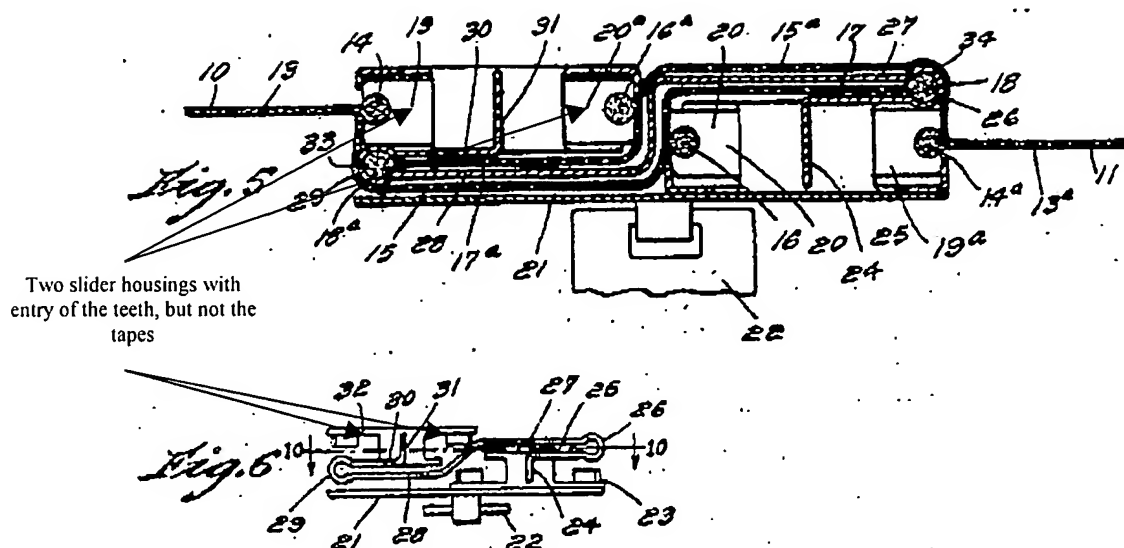
Sundback (figures 1, 3-5) teaches a slide fastener comprising: a pair of fastener tapes 7, 8 each having a fastener element 9 for engagement, the fastener elements protruding from the respective tapes and engaging with each other, thereby making it possible for the pair of fastener tapes to be joined one above the other; and a slider 17 for closing and opening the fastener tapes, the slider having a guide column and a top plate provided above the guide column and a bottom plate provided below the guide column; the guide column being provided generally perpendicularly to the fastener tapes; the top plate including a first end and a second end, the first end extending downward and forming a left side part while the second end extends to an open space; the bottom plate including a first end and a second end, the first end extending upward and forming a right side part while the second end extends to an open space; and wherein left and right fastener element housing are formed between the guide column and the left and right side parts, and the left side part extends beyond the second end of the bottom plate and the right side part extends beyond the second end of the top plate.

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The difference is that the left and right fastener element housings admit the fastener tapes therein. However, Marinsky (figures 1-6) teaches overlapping tape structure 10, 11 with a slider structure that does not admit the fastener tapes into the left and right fastener element housings, while admitting the interengaging teeth so as to provide easier assembly and movement of the slider without snagging on the tapes.

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The claim construction only requires that the fastener tapes be prevented from entering the left and right housings of the slider. Applicant utilizes the open-ended language “said slider having” (line 6), thereby permitting additional structure. The tapes are not prevented from entering other structure of the slider.

As easier assembly of the fastener of Sundback is desirable, it would have been obvious to modify the slider and interengaging teeth so that the fastener tapes are not admitted into the left and right fastener element housings of the slider as taught to be desirable in the overlapping fastener tapes of Marinsky so as to permit easier assembly and movement of the slider.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sundback (US 2077350) in view of Marinsky (US 2325332) as applied to claim 8 above, and further in view of Morin (US 3129479).

Further modification of the slide fastener of Sundback so that the fastener teeth are spaced from the edges of the tapes would have been obvious in view of Morin (figures 1, 2) teaching locating the fastening teeth 25, 27 spaced from the edges of the fastener tapes 16, 17 by

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the cover portions 29, 30 of the tapes so as to cover the fastening teeth completely while aiding in guiding the slider.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundback (US 2077350) in view of Marinsky (US 2325332) as applied to claim 8 above, and further in view of Wahl (US 2303870).

Further modification of the slide fastener of Sundback so that fastening teeth are utilized rather than coils would have been obvious in view of Wahl (figures 9, 14) teaching that it is well established to utilize interengaging coils 55, 59 as the fastener elements spaced from the edges of the overlapping fastener tapes so as to provide a structure more easily assembled, a beneficial result. As to claim 6, the provision for a pull on a side part of a slider of a slide fastener is conventional as taught by Wahl utilizing the pull 71 on a side part of the slider. Since it would be advantageous to make manipulation of the slider of the device of Sundback easier to manipulate, it would have been obvious to provide the slider of Sundback with a pull on a side part of the slider in view of Wahl teaching the use of such structure to be old and well known for helping to manipulate a slider.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sundback (US 2077350) in view of Marinsky (US 2325332) and Wahl (US 2303870) as applied to claim 6 above, and further in view of Hanson (US 5730498).

Further modification of the slider of Sundback as modified by Wahl above such that the pull is provided with a string would have been obvious in view of Hanson et al. (figures 1, 2) teaching that it is well known to provide the pull with string 29 so as to more easily manipulate the slider when it is covered.

Response to Arguments

Applicant's arguments filed October 28, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the tapes stop inside the body sections 15, 15a is not precluded by the claim construction since the left and right fastener element housings do not include the body sections 15, 15a in total, but are only those portions that permit entry of the fastener teeth) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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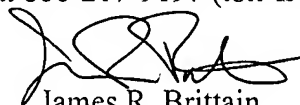
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065.

The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB